
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
City of Pompano Beach)	File No.: EB-FIELDSCR-14-00015911
Owner of Antenna Structure Number)	
1030596)	
)	NOV No.: V201432600011
)	
Pompano Beach, Florida)	

NOTICE OF VIOLATION

Released: June 10, 2014

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to City of Pompano Beach, owner of antenna structure number 1030596 in Pompano Beach, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On May 16, 2014, an agent of the Enforcement Bureau's Miami Office inspected antenna structure number 1030596 located at 1600 Blount Rd, Pompano Beach, Florida, and observed the following violations:

- a. 47 C.F.R. § 17.4(g): "The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Material used to display the Antenna Structure Registration Number must be weather resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of inspection, the Antenna Structure Registration Number was not posted at or near the base of the antenna structure.
- b. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the Federal Aviation Administration's (FAA)

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the . . . FAA Advisory Circulars." The structure's FAA determination, FAA Study Number 93-ASO-0160-OE, requires a dual lighting system, which includes red lights for nighttime and medium intensity flashing white lights for daytime and twilight use. During the inspection, an agent observed that the structure has a dual lighting system as required by the FAA study. Although the correct FAA Study Number is referenced on the FCC's Antenna Structure Registration (ASR), the ASR database currently indicates that antenna structure 1030596 requires aviation orange and white paint and red obstruction lighting in accordance with FAA Circular Number 70/7460-1H, Chapters 3, 4, 5, and 13. In order to come into compliance with the Commission's rules, City of Pompano Beach must submit a modified FCC Antenna Structure Registration that indicates the current lighting system installed on the structure.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, City of Pompano Beach must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct City of Pompano Beach to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of City of Pompano Beach with personal knowledge of the representations provided in City of Pompano Beach's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the registrant's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152-0617

6. This Notice shall be sent to City of Pompano Beach at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).